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S.B.
Amended petition as per Hon'ble Court order dated 14.5.2004

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W. P. No. 1367 /2003

PETITIONER : J. R. KASHYAP
Aged about 73 years
S/o Late Shri Guman Ram Kashyap
Resident of village Shanichara
Post Office- Baloda, Via-Akaltara,
District - Janjgir Champa (C.G.)
Pin Code No. 495559

VERSUS

RESPONDENTS :

1. State of Chhattisgarh
Through :- Secretary
Tribal Welfare Department,
Raipur (C.G.)

2. The Joint Director,
Treasure, Account & Pension
Division Bilaspur
Bilaspur (Chhattisgarh)

3. The Principal
Government Higher Secondary
School, Pali District Korba (C.G.)

4. State of Madhya Pradesh
Through :- Secretary
Tribal Welfare Department
Vallabh Bhawan, Bhopal (M.P.)

5. Senior Accounts Officer
Directorate Pension & Employees
Welfare 26, Kissan Bhawan,
Mandi Board Arera Hills, Old
Jail Road, Bhoapl (M.P.)

COPY
14-6-04
Clerk to A. G. Bilaspur

WRIT PETITIONER UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P.1367/ **सन्** 2003

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	2-5-2005	

Mr. Ashok Swarnakar, counsel for the petitioner.

Mr. Sudhir Agrawal, Panel Lawyer for the State/respondents No.1 to 3.

In spite of several opportunities given, no reply/return has been filed on behalf of the State of Chhattisgarh/respondents No.1 to 3 and this matter is pending since the year 2003. The matter relates to grant of retiral benefits. As the respondents are not filing reply/return and sufficient opportunity has already been granted, therefore, the matter is being disposed of on the basis of the record available before the Court.

The petitioner's case is that he was appointed as Upper Division Clerk Grade-II in the Tribal Welfare Department, in the year 1966, in the erstwhile State of Madhya Pradesh, and thereafter, he was promoted as Head Clerk. Later on, the petitioner was confirmed on the post of U.D.T. on account of the fact that the petitioner being a graduate he was eligible, and qualified as U.D.T. The petitioner, in the mean while, also obtained the B.Ed. degree, and as per the Government order he was granted two advance increments by the Tribal Welfare Department being a trained teacher, vide order dated 16-6-1968. After completing his service and after attaining the superannuation age the petitioner retired on 30-6-1991. In the mean time, the respondents

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..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

passed an order for recovery of an amount of Rs.34,609-40 ps. alleging excess payment to the petitioner by granting two advance increments from 1966 to 1991. Being aggrieved by the action of the Government, the petitioner challenged the said order before the State Administrative Tribunal vide O.A.No.1366/1991, same was allowed, and the order for recovery was quashed vide order dated 15-6-1998 (Annexure P-1). But, the respondents are neither sanctioning the gratuity amount nor passing order for grant of full pension to the petitioner. An interim pension to the tune of Rs.1,057/- has been sanctioned vide order dated 20th April, 1992. The petitioner is suffering from paralysis and he is in need of money for his medical treatment. But, the respondents are not paying any heed to the petitioner's request. The petitioner made several representations to respondent No.2, copy of the same is Annexure P-4. Respondent No.3 had written a letter to the Commissioner, आदिम जाति अनुसूचित जाति पिछडा वर्ग एवं अन्य संख्यक कल्याण।, रायपुर, for sending the service book of the petitioner, vide Annexure P-9, and thereafter, respondent No.3 vide letter dated 10th January, 2003, wrote a letter to the Secretary, आदिम जाति अनुसूचित जाति पिछडा वर्ग एवं अन्य संख्यक कल्याण।, रायपुर, to pass an order for release of gratuity amount to the petitioner, but the same yielded no result.

I have heard learned counsel for the parties.

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..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Having perused the petition and various documents annexed with this petition, it is admitted position that the petitioner retired on 30th June, 1991, and thereafter, only interim pension to the tune of Rs.1,057/- was sanctioned to the petitioner vide order dated 20th April, 1992, and even no gratuity amount has been sanctioned to him. Even the order passed by the Tribunal has not been complied with so far. Perusal of Annexure P-9 shows that service book of the petitioner is not available with respondent No.3 for sanction of the pension, and time and again, he is writing letter to respondent No.1.

Having considered the facts and circumstances of the case, it is just and proper to direct respondent No.1 to ensure that after getting traced the service book of the petitioner, his regular pension be sanctioned and gratuity amount be also sanctioned, and if any other retiral benefits are also permissible to the petitioner, then the same be also sanctioned.

In the result, respondent No.1 is directed to ensure that pension case of the petitioner is decided at the earliest and he be granted regular pension, also the gratuity amount and other retiral benefits, within a period of three months from today, in accordance with law. It is made clear that if pension case of the petitioner is not decided and all retiral benefits are not paid to him, then he will be entitled to approach this Court again, and in that case, reasonable interest on the whole

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -4-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Soma	amount will be ordered in favour of the petitioner with effect from the date of his retirement. With the directions aforesaid, the petition stands disposed of. Parties are entitled for certified copy of this order. **Sd/-** **L.C. Bhadoo** **Judge**	

(पीछे देखिये)